IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

Bail Appl..No. 4062 of 2007(S)

CRL. M.C. NO. 1835/2007 of SESSIONS COURT, THRISSUR
CRIME NO. 360/2007 of OLLUR POLICE STATION
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PETITIONERS/ACCUSED
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1. SUGUNAN K.T., S/O. KUNJUTHANI,
KARIYATH HOUSE, P.O.VETTUKKAD, THRISSUR DISTRICT.

2. RANJITH C.R., S/O. RAJAN,
CHULIPARAMBIL HOUSE, CHERUKUNNU, VETTUKKAD P.O.,
THRISSUR DISTRICT.

3. ANIL, S/O. MADHAVAN,
MULLAKKAL HOUSE, VETTUKKAD P.O.,THRISSUR DISTRICT.

4. ANSON, S/O. PAULSON,
PADUTHURUTHI HOUSE, VETTUKKAD P.O., THRISSUR DIST.

BY ADV. SRI.JIJO PAUL

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
OLLUR POLICE STATION - THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY ADV. SRI. S.U. NAZER, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 4062 Of 2007

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Dated this the 5th day of July, 2007

ORDER

Application for anticipatory bail. Petitioners face allegations in a crime registered, inter alia, under Section 324 IPC. In the course of investigation, the allegation under Section 458 has also been added. The crux of the allegation is that the petitioners had trespassed to the house of the defacto complainant and indulged in culpable overt acts with dangerous weapons causing injuries to the defacto complainant. The alleged incident took place on 26.5.07. The investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent of the false allegations raised against the petitioners. They may be granted anticipatory bail, prays the learned counsel for the petitioners.

3. The learned Public Prosecutor opposes the application. There is absolutely no circumstances justifying invocation of the extraordinary equitable discretion under Section 438, Cr.P.C, submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, I am satisfied that this is not a fit case where extraordinary equitable discretion under Section

438, Cr.P.C, can or ought to be invoked in favour of the petitioners. The petitioners must appear before the learned Magistrate and seek bail in the regular and ordinary course. I have no reason to assume that the learned Magistrate would not consider the application for regular bail on merits, in accordance with law and expeditiously. Every court must do the same.

5. In the result, this petition is dismissed. I may however, hasten to observe that if the petitioners appear before the learned Magistrate and apply for bail, after giving sufficient prior notice to the Prosecutor, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

sj